

## MINUTES OF BENTON COUNTY QUORUM COURT

**June 22, 2006**

A regular meeting of the Benton County Quorum Court was held on Thursday, June 22, 2006 at 5:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

In the absence of County Judge Gary Black, Deputy Clerk Betsy Deaton called the meeting to order.

Deputy Clerk Betsy Deaton called roll as follows:

11 JP's Present: Harrison, Hill, Moore, Sampier, Schindler, Sheridan, Stephenson,  
Summers, Tharp, Wolf, Wozniak  
2 Absent: Adams, Allen

JP Stephenson nominated JP Summers to preside over the meeting, seconded by JP Schindler. JP Summers was elected by unanimous voice vote.

The presiding officer led the pledge of allegiance to the flag, and John Dyas of the Bentonville Church of Christ led the prayer.

### **MINUTES:**

JP Stephenson made motion to approve the Minutes of the regular meeting of May 25, 2006 as mailed, seconded by JP Tharp. Motion to approve the minutes carried by voice vote.

### **COUNTY JUDGE'S REPORT:**

JP Summers read a letter explaining a request for the transfer of sponsorship of an Arkansas Highway Department grant for the Bella Vista walking trail since the City of Bentonville now owns the trail. JP Sampier made motion to ratify the transfer, seconded by JP Stephenson.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: Harrison, Hill, Moore, Sampier, Schindler, Sheridan, Stephenson, Summers,  
Tharp, Wolf, Wozniak  
2 absent: Adams, Allen

Motion to ratify the transfer passed.

### **ELECTED OFFICIALS REPORT:**

None

**COMMITTEE REPORTS:**

JP Wozniak reported that the Environmental Committee had met on June 20, 2006 and that a proposed land sale septic system ordinance had been abandoned for lack of interest. He said they began work on a proposed nuisance ordinance which has been sent to County Attorney Ed Gartin for some revisions, and will then go to the Planning Board for a public hearing.

**PUBLIC COMMENTS:**

Mark Curtis stated that a virtually unenforceable septic tank ordinance was thrown out by the Environmental Committee at its Tuesday night meeting, and a bruised and battered nuisance ordinance managed to survive. He said that the previous night the Planning Board approved 393 residential lots, including 352 with septic systems, 84 of which will be located on or near Beaver Lake, our primary source of drinking water, and this is just one month of approvals. He said the continuing rapid growth of the county makes it imperative that the Justices of the Peace help the county take some action, which would have been easier 10 years ago, and will be much harder 10 years from now.

Margo Hill stated that she wanted to thank the Environmental Committee and encouraged them to keep working hard. She said she has been coming to the meetings for 3 years, and finally feels like they are getting somewhere, and that the Hickory Creek area is not the only one in need of assistance.

**OLD BUSINESS:**

- (A) Third and Final Reading of Proposed Ordinance to Establish Map and Other Media Fees for Benton County; Sponsor: JP Tim Summers

JP Sampier made motion to read by title only, seconded by JP Moore. Motion passed by unanimous voice vote. Deputy Clerk Betsy Deaton read the proposed Ordinance by title only. JP Moore made motion for approval, seconded by JP Sampier.

There being no discussion a roll call vote was recorded as follows:

- 11 yeas: Harrison, Hill, Moore, Sampier, Schindler, Sheridan, Stephenson, Summers, Tharp, Wolf, Wozniak
- 2 absent: Adams, Allen

Ordinance duly adopted and assigned No. **O-2006-14.**

**NEW BUSINESS:**

- (A) Proposed Resolution Authorizing the County Judge to Proceed With Seeking Bids for the Rehabilitation of War Eagle Bridge; Sponsor: JP Kurt Moore

Deputy Clerk Betsy Deaton read the proposed Resolution in full. JP Moore made motion for approval, seconded by JP Harrison. JP Tharp asked if this Resolution would give the County

Judge the authority to obtain bids for the construction on War Eagle Bridge. JP Summers stated that an appropriation will be necessary once the bids are in and they have the exact cost. JP Stephenson stated that he wanted to be sure that this Resolution simply allowed the County Judge to get bids, and that there is no expenditure of funds being authorized. JP Summers stated that was correct, except for miscellaneous costs of the bid process, such as publication. JP Stephenson stated that he is opposed to the expenditure of approximately \$250,000, and would be voting against it. Comptroller Richard McComas was recognized and stated that they may have to engage the services of an architect to meet State requirements which would require an additional expenditure before the bid package can go out. He added that they are looking at a long drawn out process that will take at least 4 to 6 months. Grants Administrator Kathy Bannister stated that they were originally told that the architect's services were part of the study that was done, but they want to make certain of that before the bid package goes out. JP Tharp stated that he is not too excited about spending \$250,000 in county money just because \$700,000 in grant money is available when there are no plans for the other bridges in the county. He said in addition, he has read somewhere recently that the residents of the area are concerned about changing the appearance of the bridge. JP Wozniak asked when they would find out if there is money for the architect's fees in the study. Kathy Bannister stated it would be sometime next week. JP Wolf stated that it seems to her that this is coming out of order, and that if hiring an architect is required then they should be looking at that before anything else, and she would like more clarification on what the process is. She said she was not in favor of making any decisions on a blind envelope. Kathy Bannister stated that they had wanted to make sure that the Quorum Court was interested in going forward with the project before they went through the procurement of the architect, because the guidelines that they have to follow are quite extensive. JP Wolf stated that she understood that because she deals with grants on a daily basis, but that a phone call or looking at the criteria would be all that was needed to find out if the architect's services were included in the package.

JP Moore stated that if they wanted to defer the decision on this for another month he would be willing to withdraw his motion. JP Wolf stated that she would like more information. JP Sheridan stated that they are only approving the project to go to bid, and if additional money is requested at a later date, they can vote for or against an appropriation at that time. JP Tharp stated that he wanted to be clear that no money would be appropriated at this time. JP Summers stated that was correct, that no additional money will be spent without Quorum Court approval.

There being no further discussion, a roll call vote was recorded as follows:

8 yeas: Harrison, Hill, Moore, Sampier, Schindler, Sheridan, Summers, Wozniak  
3 nays: Stephenson, Tharp, Wolf  
2 absent: Adams, Allen

Resolution duly adopted and assigned No. **R-2006-13**.

(B) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2005-36 (2006 Benton County Budget) Authorizing a Transfer of Funds Between

Categories and Line Items in Department 35, JDC State Grant Aid, Fund 470, and Department 35, Juvenile Detention, Fund 010, and Authorizing Additional Expenditures in Department 49, Information Systems, Fund 010; Sponsor: JP Tim Summers

JP Sampier made motion to read by title only, seconded by JP Moore. Deputy Clerk Betsy Deaton read the proposed Appropriation Ordinance by title only. JP Moore made motion for approval, seconded by JP Sheridan. JP Summers stated that the proposed appropriation ordinance had been discussed at the Committee of Thirteen meeting and was self-explanatory. He said that a security camera had to be replaced in the Juvenile Detention Center, and they are appropriating some grant money in the Information Systems department.

There being no further discussion, a roll call vote was recorded as follows:

11 yeas: Harrison, Hill, Moore, Sampier, Schindler, Sheridan, Stephenson, Summers, Tharp, Wolf, Wozniak  
2 absent: Adams, Allen

Appropriation Ordinance duly adopted and assigned **No. O-2006-15**.

**OTHER BUSINESS:**

None

**ANNOUNCEMENTS:**

JP Stephenson announced that the Personnel Committee would be meeting on July 10, 2006 at 4 p.m.

JP Summers announced that the Finance Committee would be meeting on July 11, 2006 at 2:30 p.m., and the Committee of Thirteen would be meeting on July 11, 2006 at 5:00 p.m.

JP Summers stated that reporter Joseph Askins of the Morning News has been reassigned, and thanked him for his service to Benton County.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 5:28 p.m.

Respectfully submitted,

Mary L. Slinkard,  
County Clerk

Prepared by: Betsy Deaton